

association of  
**independent colleges and universities**  
**of michigan**

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ADRIAN COLLEGE  
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AQUINAS COLLEGE  
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EASTERN MICHIGAN

\*BAKER COLLEGE  
OF JACKSON

\*BAKER COLLEGE  
OF OWOSSO

BAKER COLLEGE  
OF MUSKEGON

CALVIN COLLEGE

CLEARY UNIVERSITY -  
WASHTENAW CAMPUS

\*CLEARY UNIVERSITY -  
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HOLLAND CAMPUS

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KALAMAZOO CAMPUS

\*DAVENPORT UNIVERSITY -  
LANSING CAMPUS

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MIDLAND CAMPUS

FINLANDIA UNIVERSITY

HOPE COLLEGE

KALAMAZOO COLLEGE

KETTERING UNIVERSITY

LAWRENCE TECHNOLOGICAL  
UNIVERSITY

MADONNA UNIVERSITY

MARYGROVE COLLEGE

NORTHWOOD UNIVERSITY

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ROCHESTER COLLEGE

SAINT MARY'S COLLEGE

SIENA HEIGHTS UNIVERSITY

SPRING ARBOR UNIVERSITY

UNIVERSITY OF DETROIT MERCY

MCNICHOLS CAMPUS

OUTER DRIVE CAMPUS

\*UNIVERSITY OF DETROIT MERCY  
SCHOOL OF DENTISTRY

\*UNIVERSITY OF DETROIT MERCY  
SCHOOL OF LAW

WALSH COLLEGE

OF ACCOUNTANCY AND  
BUSINESS ADMINISTRATION

WILLIAM TYNDALE COLLEGE

**URGENT REQUEST FOR LEGISLATION TO RETAIN/RESTORE**  
**ABILITY OF UNIVERSITY OF DETROIT MERCY AND HOPE COLLEGE**  
**TO MAINTAIN CAMPUS SECURITY FORCES CERTIFIED AS**  
**LAW ENFORCEMENT OFFICERS**  
**[HOUSE BILL NO. 4591]**

House Bill No. 4591 is urgently needed to retain and restore the longstanding ability of two Michigan independent, nonprofit colleges and universities (specifically, University of Detroit Mercy and Hope College) to maintain campus security officers who are properly certified and empowered as "law enforcement officers" when deputized by a County Sheriff or a City Police Chief. Recently the Michigan Commission on Law Enforcement Standards (MCOLES) has denied continuing certification of the campus security/law enforcement officers of these two institutions, necessitating this legislation.

For many years under interpretation of the MCOLES Act, independent, nonprofit colleges have been permitted to maintain campus security forces properly certified and empowered as "law enforcement officers." Hope College did so for 22 years from 1981 through 2003 with deputization from the County Sheriff until MCOLES declared that it would not recertify their officers and the college was forced to discontinue this practice. The University of Detroit Mercy (UDM) has done so for 29 years (1976 to Present) with authority delegated by the City of Detroit Police Chief, though MCOLES denied certification last year forcing the matter into litigation. Thus legislation is needed to restore this ability.

Even the Michigan Court of Appeals recognized in a 2002 case (*People v. Van Tubbergen*, 249 Mich App 354) involving Hope College (a criminal defendant challenged the college officer's arrest authority) that this was a lawful and proper delegation of authority!

This empowerment is and was vitally important for these two campuses, and the safety and security of their students and campus communities, because they are located in the middle of cities, with city streets running through their campuses and college-utilized facilities scattered in the city around their campuses. Moreover, UDM has several campuses located within the City of Detroit.

Hope College and the University of Detroit Mercy have carried out these responsibilities through the years with great professionalism and without major problems. They have had a very cooperative, communicative and accountable relationship with their local law enforcement authorities. Their officers have been fully trained and certified with the same credentials as city police officers or county sheriffs. This has been important to the safety of their student bodies. And it has greatly enhanced safety and security in the campus areas of their respective cities

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and increased the numbers of qualified law enforcement personnel serving those cities. This has provided a great public safety benefit to the people of Detroit and Holland in the general areas of their campuses and significantly increased "police presence" at no cost to the taxpayers. The change Hope College was forced to make has had a detrimental impact on security and safety.

Michigan independent, nonprofit colleges and universities are unique institutions standing in a unique situation under Michigan law and public policy, unlike other private entities, to wit.

- ... They are chartered by the State of Michigan as independent colleges, in accordance with law, from which they derive their legal authority to grant college-level degrees in Michigan;
- ... They must be approved by and are subject to continuing oversight/regulation of the State Board of Education;
- ... To be chartered and to retain their approval, Michigan independent colleges must demonstrate proper capitalization and resources, adequate facilities, administrative capability, qualified faculty and sufficient library facilities (hence, under State requirements they must be substantial organizations with significant resources, responsible administrations and long-term stability);
- ... Michigan law and public policy has long recognized independent colleges and universities as an integral part of the State's pluralistic higher education system (community colleges, public universities and independent colleges/universities) serving the people of Michigan;
- ... Michigan independent colleges serve the "public interest" of Michigan, recognized by the fact that the State provides various forms of financial support and recognition to independent colleges and universities; and
- ... They are responsible for the safety and security of concentrated populations (i.e. student bodies) who study and live on and around their campuses.

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